

1 ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
2 MICHAEL J. CARROLL (St. Bar #50246)
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3 San Francisco, CA 94104
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4 Attorneys for Plaintiffs
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 BOARD OF TRUSTEES OF THE NORTHERN)	NO. C 07 3207 JL
CALIFORNIA FLOOR COVERING, et al.,)	
)	DECLARATION OF ATTORNEY
12 Plaintiffs,)	MICHAEL J. CARROLL IN
)	SUPPORT OF PLAINTIFF'S
13 vs.)	EX PARTE APPLICATION FOR
)	ORDER TO CONTINUE CASE
14 BEVIL'S FLOOR SERVICE, INC., a)	<u>MANAGEMENT CONFERENCE</u>
15 California corporation)	
)	
16 Defendant.)	
)	

17 I, MICHAEL J. CARROLL, certify:
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19 1. I am an attorney with the law firm of Erskine & Tulley,
20 A Professional Corporation, attorneys for plaintiffs, BOARD OF
21 TRUSTEES OF THE NORTHERN CALIFORNIA FLOOR COVERING INDUSTRY WELFARE
22 FUND; STEVE HAVENS, TRUSTEE, in this action. I am duly admitted to
23 practice law in the United States District Court, Northern District
24 of California. If called as a witness, I could and would competently
testify as follows:

25 2. Service was accomplished upon the only party in this
26 case on July 9, 2007. No responsive pleading was filed.

27 3. The parties were engaged in settlement discussions
28

1 which were not completely successful.

2 4. Plaintiffs has not received all of the documents for the
3 delinquent months.

4 5. It is requested that the Court continue the Case
5 Management Conference to March 19, 2008 to allow plaintiffs time to
6 file the motion.

7 6. Good cause exists to grant plaintiffs' request for a
8 continuance of the Case Management Conference currently set for
9 February 6, 2008 to March 19, 2008 because of the impossibility of
10 plaintiffs to file a motion for default judgment at this time and to
11 avoid any unnecessary burden to the Court.

12 I declare under penalty of perjury that the foregoing is
13 true and correct to the best of my knowledge.

14 Executed on February 4, 2008 at San Francisco, California.

15
16 /s/ Michael J. Carroll
Michael J. Carroll

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On February 4, 2008 I served the within DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Bevil's Floor Service
533 Burke Street
San Jose, CA 95112

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on February 4, 2008 at San Francisco, California.

/s/Sharon Eastman

Sharon Eastman